

P21470.A11

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Markus OECHSLE et al.

Art Unit: 1731

Appln. No. : 09/936,516

Examiner: M. Halpern

Filed : December 5, 2001

For : DEVICE FOR DETERMINING THE CHARACTERISTICS OF A
RUNNING MATERIALAMENDMENT UNDER 37 C.F.R. 1.312 & DESCRIPTION OF
SUBSTANCE OF INTERVIEW

Commissioner For Patents
PO Box 1450
Alexandria, Virginia 23313-1450

Sir:

Please enter the following amendment which has been prepared in accordance with 37
C.F.R. 1.121 as revised effective July 30, 2003.

Additionally, the following discussion is offered as to the nature of the telephone
interview with examiner Mark Halpern. The undersigned contacted Examiner Halpern on
August 15, 2003 to point out that the Examiner's rejection of two co-pending applications
over each other, on provisional grounds of the judicially created obviousness type double
patenting was not in compliance with MPEP guidelines. It was argued that the more
appropriate approach was to allow one application and reject the other on the provisional
grounds of double patenting. Examiner Halpern graciously agreed to reconsider his position
and did in fact withdraw the rejection in the instant application.